

Attorneys; Representation of Parties; Pro Se Appearances; and Law Students

LR Gen P 83.01. Permanent Members of Bar of Court.

Any person admitted to practice before the Supreme Court of Appeals of West Virginia and in good standing as a member of its bar is eligible for admission as a permanent member of the bar of this Court. An eligible attorney may be admitted as a permanent member of the bar of this Court upon motion of a permanent member who shall sign the register of attorneys with the person admitted. If the motion for admission is granted, the applicant shall take the attorney's admission oath or affirmation, sign the attorneys' register, and pay the one time admission fee.

Any attorney employed by the United States Attorney or the Federal Public Defender for this judicial district must qualify as a permanent member of the bar of this Court within one year of his or her employment. Until so qualified, the attorney may appear and practice as a visiting attorney under the sponsorship of the appointing officer.

Attorneys shall remain in good standing as a member of the bar of the Supreme Court of Appeals of West Virginia. If an attorney's admission to practice before the Supreme Court of Appeals is either revoked or suspended, the attorney shall be restricted from practice in this Court for the duration of that revocation or suspension. An attorney may seek readmission to practice in this Court, only after being properly and fully readmitted or reinstated by the Supreme Court of Appeals of West Virginia subsequent to such disciplinary action, and shall follow the admission requirements of this section in order to do so. A conditional readmission of an attorney is not deemed to be full readmission for the purpose of this rule. No additional fee will be required for readmission. If the motion for readmission is granted, the applicant shall take the attorney's admissions oath.

LR Gen P 83.02. Visiting Attorneys.

Whenever it shall appear that a person, who has not been lawfully licensed and admitted to the practice of law in the State of West Virginia, has been duly licensed to be admitted to practice before a court of record of general jurisdiction in any other state or country or in the District of Columbia, and is in good standing as a member of the bar of such jurisdiction or has been admitted to the practice of law in the State of West Virginia, but has not been admitted to the bar of the United States District Court for the Northern District of West Virginia , he or she may appear in a particular action, suit, proceeding or other matter in this Court:

(a) upon providing this Court a verified statement of application for pro hac vice admission listing:

(1) the action, suit, proceeding or other matter which is the subject of the application;

(2) the name, address and telephone number of the registration or disciplinary agency of all state courts, the District of Columbia or of the country in which such person is admitted;

(3) the name and address of the member of the West Virginia State Bar who will be a responsible local attorney in the matter;

(4) all matters before West Virginia tribunals or bodies in which such person is or has been involved in the preceding twenty-four months, unless such person is admitted to practice in West Virginia;

(5) all matters before West Virginia tribunals or bodies in which any member of applicant's firm, partnership, corporation or other operating entity is or has been involved in the preceding twenty-four months, unless such person is admitted to practice in West Virginia;

(6) a representation by the applicant for each state, the District of Columbia or any other country where said applicant has been admitted to practice, stating that the applicant is in good standing with the bar of every such jurisdiction and that he or she has not been disciplined in any such jurisdiction within the preceding twenty-four months;

(7) an agreement to comply with all laws, rules and regulations of West Virginia state and local governments, where applicable, including taxing authorities and any standard for pro bono civil and criminal indigent defense legal services; and

(b) upon payment of a fee established by the Court and paid to the Clerk of Court for the United States District Court for the Northern District of West Virginia, if like courtesy or privilege is extended to members of the West Virginia State Bar in such other jurisdiction.

The responsible party of the local attorney to be associated with the applicant shall be as follows:

The applicant shall be associated with an active member in good standing of the state bar, having an office for the transaction of business within the State of West Virginia, who shall be a responsible local attorney in the action, suit, proceeding or other matter which is subject of the application. Service of notices and other papers upon such responsible local attorney shall be binding upon the client and upon such person. The local attorney shall be required to sign all pleadings and affix his or her West Virginia State Bar identification number thereto and to attend all hearings, trials or proceedings actually conducted before the judge, tribunal or other body of the State of West Virginia for which the applicant has sought admission pro hac vice. The local attorney

shall further attend the taking of depositions and other actions that occur in the proceedings which are not actually conducted before the judge, tribunal or other body of the State of West Virginia for which the applicant has sought admission pro hac vice and shall be a responsible attorney in the matter in all other respects. With prior permission of the Court, local counsel will not be required to attend routine court hearings or proceedings. In order to be a “responsible local attorney,” the local attorney must maintain an actual physical office equipped to conduct the practice of law in the State of West Virginia, which office is the primary location from which the “responsible local attorney” practices law on a daily basis. The responsible local attorney's agreement to participate in the matter shall be evidenced by his or her endorsement upon the verified statement of application, or by written statement attached to the application.

LR Gen P 83.03. Representation of Parties and Pro Se Appearances.

Every party to proceedings in this Court, except parties appearing pro se, shall be represented by a permanent member of the bar of this Court and may be represented by a visiting attorney as provided in LR Gen P 83.02. Although the United States Attorney may be associated with other government attorneys in proceedings involving the government, the United States Attorney (except in student loan collection cases), in addition to other government attorneys, shall sign all pleadings, notices and other papers filed and served by the United States. All pleadings, notices and other papers involving the government may be served on the United States Attorney in accordance with the service requirements of the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure. Parties appearing pro se shall, at their first appearance, file their complete names and addresses where pleadings, notices and other papers may be served upon them, and their telephone numbers.

No attorney who has entered an appearance in any civil or criminal action shall withdraw the appearance or have it stricken from the record, except by order.

LR Gen P 83.04. Legal Assistance by Law Students.

(a) Appearance on Behalf of Indigent. With the written consent of an indigent and his or her attorney of record, an eligible law student may appear on behalf of that indigent. With the written consent of the United States Attorney or his or her representative, an eligible law student may also appear on behalf of the United States. With the written consent of the Attorney General of the State of West Virginia or his or her representative, an eligible law student may also appear on behalf of the State of West Virginia. In each case in which an eligible law student appears, the consent shall be filed with the Clerk.

An eligible law student may assist in the preparation of pleadings, briefs, and other documents to be filed in this Court, but such pleadings, briefs, or documents must be signed by the attorney of record. An eligible law student may also participate in hearings, trials, and other proceedings with leave of court, but only in the presence of the attorney of record. The attorney of record shall assume personal professional responsibility for the law student's work. The attorney of record shall be familiar with the case and be prepared to supplement or correct any written or oral statement made by the law student.

(b) Eligibility to Appear. To be eligible to appear pursuant to this rule, the law student must:

- (1) be enrolled in a law school approved by the American Bar Association;
- (2) have successfully completed legal studies for at least four semesters, or the equivalent if the school is on some basis other than a semester basis;